

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIABILITY OF AN OWNER OF A VICIOUS DOG; PROVIDING THAT THE LIABILITY APPLIES WITHIN OR OUTSIDE THE LIMITS OF AN INCORPORATED CITY OR TOWN; PROVIDING THAT A DOG OWNER IS LIABLE FOR TWICE THE AMOUNT OF DAMAGES FOR INJURIES INFLICTED BY THE DOG UNDER CERTAIN CIRCUMSTANCES; PROVIDING A PRESUMPTION THAT A PERSON UNDER 7 YEARS OF AGE WAS NOT PROVOKING A DOG THAT CAUSES INJURY; PROVIDING DEFINITIONS; AMENDING SECTION 27-1-715, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-1-715, MCA, is amended to read:

"27-1-715. Liability of owner of vicious dog. (1) The owner of ~~any a~~ a dog ~~which shall that~~, without provocation, ~~bite any~~ injures a person while ~~such the~~ the person is on or in a public place or is lawfully on or in a private place, including the property of the owner of ~~such the~~ the dog, located within or outside the limits of an incorporated city or town ~~shall be~~ is liable for ~~such~~ damages as that may be suffered by the injured person ~~bitten~~ regardless of the former viciousness of ~~such the~~ the dog or the owner's knowledge of ~~such former~~ former viciousness.

(2) A person is lawfully upon the private property of ~~such an~~ an owner within the meaning of this section when ~~he the person~~ the person is on ~~such the~~ the property in the performance of any duty imposed upon ~~him the person~~ the person by the laws of this state or by the laws or postal regulations of the United States of America or when ~~he the person~~ the person is on ~~such the~~ the property as an invitee or licensee of the person lawfully in possession of the property.

(3) If the owner of a dog knows or reasonably should have known that the dog had previously injured a person, the owner is liable for twice the full amount of damages resulting from any subsequent personal injuries caused by the dog.

(4) If a person on whose behalf an action is brought under this section is under 7 years of age, it is presumed that the person was not provoking the dog.

(5) For the purposes of this section, the following definitions apply:

(a) "Owner" means a person, firm, corporation, or organization owning, possessing, harboring, keeping,

1 having financial or property interest in, or having control or custody of a dog.

2 (b) "Provocation" or "provoking" means the teasing, tormenting, or abusing of a dog."

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4 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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